

COMMISSIONERS APPROVAL

CHILCOTT *gc*

THOMPSON *at*

ROKOSCH *JRH*

DRISCOLL *KD*

GRANDSTAFF *CJ*

PLETTENBERG (Clerk & Recorder)

Date.....June 19, 2007

Members Present.....Commissioner Alan Thompson,
Commissioner Jim Rokosch, Commissioner Kathleen Driscoll and Commissioner
Carlotta Grandstaff

Minutes: Beth Farwell

The Board met for discussion of the re-appointment of Arnie Polanchek to the Salary Compensation Board. Commissioner Thompson read Montana Statute 7-4-2504 which grants the authority for the establishment of the Salary Compensation Board.

Commissioner Grandstaff questioned if the make up of the board is set by state law. Commissioner Thompson replied yes. It was noted Arnie has served on this Board for three years. It was noted this Board has staggered terms. Discussion followed regarding board re-organization.

Commissioner Grandstaff questioned Arnie's financial background. Arnie replied that he is a retired vice-president of the Alaskan Railroad. He also has an MBA in accounting and works at the University. He is familiar with the union negotiations and contracts. Commissioner Rokosch questioned the roll of the Compensation Board in Union Negotiations. Arnie replied they do not have a roll. They obtain their information on salaries/benefits etc. from Administrative Director Skip Rosenthal.

Commissioner Rokosch asked if there are any potential incentives such as performance incentives. Arnie replied they have addressed the issue of longevity. Arnie stated that he is in favor of merit pay. Commissioner Thompson stated the Salary Compensation Board deals only with elected officials. He stated they did establish longevity which is 1% of base salary maxing out at 12 years. Commissioner Thompson explained the establishment of the Salary Compensation Board and its requirements to the board. The board decided to table the re-appointment of Arnie Polanchek until June 30th.

The Board met for a request for commission action regarding Mountain View Orchards, Block 2, Lot 16A. Present were Civil Counsel Alex Beal, Planning Staff Vanessa Perry, Jen DeGroot, Renee Van Hoven and Planning Director Karen Hughes. Several members of the community were also present. Commissioner Thompson called for the staff report. Jen read the staff report and showed a map of the property as follows:

**MOUNTAIN VIEW ORCHARDS BLOCK 2, LOT 16A, AP (LVI, LLC)
ELEVEN-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Jennifer De Groot

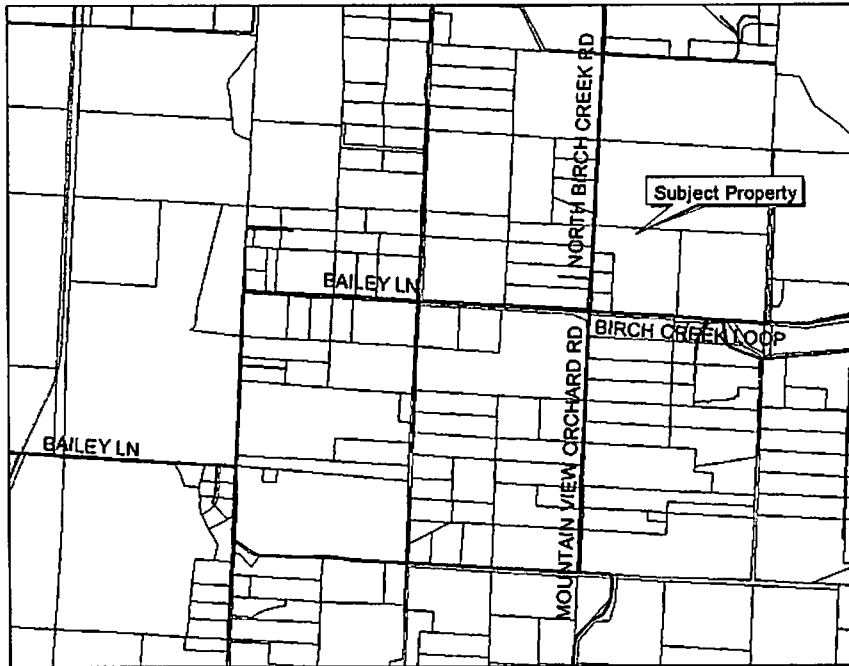
**REVIEWED/
APPROVED BY:** Renee Van Hoven

**PUBLIC HEARINGS/
MEETINGS:** BCC Public Hearing: 10:00 a.m. June 19, 2007
Deadline for BCC action (60 working days): August 20, 2007

SUBDIVIDER/OWNER: LVI, LLC
PO Box 67
Corvallis, MT 59828

REPRESENTATIVE: Chris Cobb-Taggart
Professional Consultants, Inc.
1713 N 1st Street
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located northeast of Corvallis
off Birch Creek Loop. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Lot 16A of AP# 547149 located in the NE ¼ of Section 11, T7N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on May 24, 2007. Agencies were notified of the subdivision through mailings on January 12, 2007, and May 25, 2007, and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-6 of the staff report.

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Monday, June 4, 2007. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked May 25, 2007. No public comments have been received to date.

**PLANNING BOARD
NOTIFICATION:**

At a meeting on April 4, 2007, the Planning Board Screening Committee recommended that full Planning

Board review was not needed for this subdivision application.

**DEVELOPMENT
PATTERN:**

Subject property	Agriculture
North	Agriculture
South	Agriculture and Low-Density
Residential	
East	Agriculture
West	Agriculture and Low-Density
Residential	

INTRODUCTION

The Mountain View Orchards Block 2, Lot 16A, AP major subdivision is an eleven-lot subdivision of 32.6 acres located northeast of Corvallis. This proposal is accessed via Bailey Lane and Birch Creek Loop, county-maintained roads. An internal subdivision road meeting county standards is proposed to provide access to lots within the subdivision. The northwestern corner of the property is identified on the preliminary plat as wetlands and appears to be part of a natural drainage fed by an underground spring. The subdivider has proposed a no-build/alteration zone over all the wetlands areas and drainage easements to contain runoff.

Staff recommends conditional approval of the subdivision proposal.

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
JUNE 19, 2007**

**MOUNTAIN VIEW ORCHARDS BLOCK 2, LOT 16A, AP
ELEVEN-LOT MAJOR SUBDIVISION**

RECOMMENDED MOTION

That the Mountain View Orchards Block 2, Lot 16A, AP Major Subdivision be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE
SUBDIVISION**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Birch Creek Loop and North Birch Creek Road frontages of this subdivision, excepting the approved approach for the internal subdivision road and the existing agricultural access off North Birch Creek Road. All lots within this subdivision must use the approved approach off Birch Creek Loop. A "no-ingress/egress" restriction also exists along the southern boundary of the driveway easement traversing Lot 5. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. *(Effects on Agriculture and Local Services)*

Notification of Road Maintenance Agreement. The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

Notification of Storm Water Drainage Easements. Within this subdivision there are storm water drainage easements. No structure or obstruction may be placed within these easements that is not required for storm water management. *(Effects on Local Services and Public Health & Safety)*

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. Bitter Root Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders and those acting with the approval of the Bitter Root Irrigation District have the right to use the easements to maintain the ditches. Please contact Bitter Root Irrigation District, 1182 Lazy J Lane, Corvallis, Montana, 59828, 961-1182 for more information. *(Effects on Agricultural Water User Facilities)*

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone located on Lots 2 and 5, and the common area, as shown on the plat, to restrict building in areas with wetlands and slopes greater than 25 percent. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted, except for the existing road easement used by the neighbors to the north of the property. The existing road easement cannot be expanded. If, in the future, the road is

abandoned, the area where the road existed shall be under the same restrictions as the no-build/alteration zone. (*Effects on Natural Environment, Wildlife & Wildlife Habitat, Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

Living with Wildlife. (See Exhibit A-1 for required provisions.) (*Effects on Agriculture and Wildlife & Wildlife Habitat*)

Riparian Buffer Zone. There is a no-build/alteration zone within this subdivision that includes a wetlands area on a drainage that traverses Lots 2 and 5 and the common area. (See Exhibit A-1 for required provisions.) (*Effects on Natural Environment and Wildlife & Wildlife Habitat*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Effects on Public Health & Safety*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of

noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Effects on Natural Environment)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. *(Effects on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. *(Effects on Local Services and Public Health & Safety)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services and Public Health & Safety)*
6. The subdivider shall submit a letter or receipt from the Corvallis School District stating that they have received a \$250-per-lot contribution prior to final

plat approval. Alternatively, the subdivider may place an encumbrance on the final plat stating that the \$250 contribution shall be made to the School District upon first conveyance, including lease or rent, of each lot. *(Effects on Local Services)*

7. The final plat shall show no-ingress/egress zones along the Birch Creek Loop and North Birch Creek Loop frontages of the subdivision, and along the southern edge of the existing driveway access to the property described as the N1/2 N1/4 of Section 11, excepting the approach for the internal road and existing driveway access for the N1/2 N1/4 of Section 11, as approved by the Road and Bridge Department. *(Effects on Agriculture and Local Services)*
8. All existing and proposed storm water drainage easements shall be shown on the final plat as they were shown on the preliminary plat. The label for the storm water drainage easements on the final plat shall state that no structures are allowed within the storm water drainage easements unless they are required for storm water management. *(Effects on Local Services and Public Health & Safety)*
9. All existing and proposed irrigation easements shall be shown on the final plat as they were shown on the preliminary plat. *(Effects on Agricultural Water User Facilities)*
10. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. *(Effects on Local Services)*
11. A stop sign and road name sign shall be installed at the intersection of the internal subdivision road and Birch Creek Loop, as approved by the Planning Department, in consultation with the Ravalli County Road and Bridge Department, prior to final plat approval. *(Effects on Local Services and Public Health & Safety)*
12. The subdivider shall provide for an additional 5 (five) feet of public road and utility easement along the Birch Creek Loop frontage of the subdivision on the final plat. *(Effects on Local Services)*
13. The subdivider shall provide for an additional 5 (five) feet of public road and utility easement along the North Birch Creek Road frontage of the subdivision on the final plat. *(Effects on Local Services)*
14. The subdivider shall designate the wetlands areas and slopes steeper than 25 percent as no-build/alteration zones on the preliminary plat on the final plat. The no-build/alteration zone shall not cover irrigation easements. *(Effects on Agricultural Water User Facilities, Natural Environment, Wildlife & Wildlife Habitat, and Public Health & Safety)*

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 32.6 acres will result in 11 lots that range in size from 2.0 acres to 4.29 acres. The property is located approximately 5.25 miles northeast of the community of Corvallis off Birch Creek Loop.
2. The property is located in an area of low density-residential and agricultural uses. To mitigate impacts on agriculture, a notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (*Conditions 1 and 2*)
3. According to the application, the property is currently being used for agricultural purposes and has been used for hay production in the past.
4. According to the Web Soil Survey published by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), the property may have soils listed as farmland of unique importance. (Exhibit A-2)
5. According to the application, an existing driveway easement for the benefit of the Zachas is located on the subject property diagonally from North Birch Creek Loop to the Zachas' property, across the proposed no-build alteration zone identified as a wetlands area. It appears to be used as an agricultural access. No approach permit was provided for this access, nor is a formal easement filed.
6. Per a conversation with Mike Nichols of the Ravalli County Road and Bridge Department on May 21, 2007, there are many existing agricultural accesses off county-maintained roads that do not have formal approval from the Road and Bridge Department. He does not require permits for existing agricultural accesses.
7. A one-foot no access strip is proposed along the southern edge of the driveway easement as it traverses Lot 5 to restrict ingress and egress to only the Zachas for agricultural purposes. The future owners of Lot 5 will not be allowed to access their property from North Birch Creek Loop because it was not part of the subdivision proposal and the potential disturbance of wetlands. To mitigate impacts on agriculture and to allow the Zachas continued access for farming purposes, the applicant shall show a non-ingress/egress zone along the southern edge of the existing driveway on the final plat. (*Condition 7*)
8. To notify the future owners of Lot 5 that they cannot use this easement to access the subdivision, a notification of Limitation of Access onto a Public Road shall be filed with the final plat. (*Condition 1*)

Conclusions of Law:

1. The creation of these lots will diminish potential agricultural uses on this property and may take Farmland of Unique Importance out of production.
2. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on surrounding agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that 16 irrigated acres of water are provided to the property by the Bitter Root Irrigation District (BRID).
2. Existing irrigation pipelines are located along the northern and western boundaries of the subject property as shown on the preliminary plat. The latter pipeline easement along the northern body of the subject property was secured in an agreement between LVI, LLC and Russell and Bonnie Zacha recorded on February 24, 2006.
3. The applicant has proposed additional irrigation pipeline easements along the lot boundaries between Lots 6 and 7 of the proposed subdivision and along the eastern boundary of the internal subdivision road, which will provide Lots 1 and 2 and Lots 5 through 11 with water. It is not clear how Lots 3 or 4 will access irrigation water.
4. Lots 1, 3, 4, 6, and 11 will be allotted 1.4 irrigated acres each and Lots 2, 5, 7, 8, 9, and 10 will each be allotted 1.5 irrigated acres.
5. A letter from Bitter Root Irrigation District, dated October 12, 2006, states their approval of the re-allocation of water rights and Irrigation Plan. (*Application*)
6. Installation of irrigation infrastructure is required to be completed prior to final plat approval.
7. To notify future property owners of the irrigation rights associated with this property and the role of the Irrigation District and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation facilities and easements shall be filed with the final plat. (*Condition 1*)
8. In order to mitigate impacts of the subdivision on agricultural water user facilities, existing and proposed irrigation easements shall be shown on the final plat as a condition of approval. (*Condition 9*)
9. Due to the wetlands and steep slopes traversing Lots 2 and 5, and the common area, the applicant is proposing a no-build/alteration zone. To mitigate impacts on agricultural water user facilities and allow for the maintenance of irrigation infrastructure, the no-build/alteration zone on the final plat shall not cover any existing or proposed irrigation easements. (*Condition 14*)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. There are eleven proposed single-family residential lots and one common area within this subdivision. It is estimated at build-out that this subdivision will generate a total of 88 vehicular trips per day, assuming 8 trips per day per single-family dwelling.

2. Bailey Lane and Birch Creek Loop, County-maintained roads providing access to the subdivision, do not meet County standards. The applicant is required to pay the pro rata share of the cost to improve the portions of these roads providing access to the subdivision to meet County standards.
3. In an email dated March 30, 2007, David Ohnstad, County Road Supervisor, stated that the impacts to Bailey Lane would be appropriately mitigated through pro rata. (*Application*) He did not agree that additional traffic volume on Birch Creek Loop would be mitigated through pro rata. He suggested that appropriate mitigation of traffic impacts to Birch Creek Loop would be grading, aggregate surfacing, and placing an ACP surface on the subject section of Birch Creek Loop from the intersection of Bailey Lane to the project access.
4. Since there were no significant impacts to Local Services identified, Staff is not recommending the applicant be required to go above and beyond the pro rata requirement for Birch Creek Loop. Staff notes that the Road Department is concerned about the current state of Birch Creek Loop.
5. Section 5-4-4(d) of the RCSR requires roads in a new development to be connected to a right-of-way or easement in adjacent platted areas to allow for proper inter-neighborhood traffic flow. North Birch Creek Road is adjacent to the property, but it is not in a separate platted area. The subject property and the properties to the west are all part of the same Mountain View Orchards plat. Therefore, the applicant is not required to connect an internal subdivision road to North Birch Creek Road.
6. With this subdivision, it is estimated that approximately 5 school-aged children will be added to the Corvallis School District, assuming an average of .5 children per single family residence (Source: Census 2000).
7. The Corvallis School District was notified of the subdivision proposal. In a letter dated January 18, 2007, the School District stated that it has no specific objection to the subdivision, but noted that an increase in students continues to affect their infrastructure. The subdivider is proposing to contribute a voluntary donation of \$250-per-lot to the school district. A condition that the subdivider provides evidence of a contribution to the School District is required prior to final plat approval. (*Condition 6*) (*Application*)
8. To mitigate impacts on local services, the subdivider shall apply for County-issued addresses. A provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 4*)
9. The developer has proposed a one-foot non-ingress/egress strip along the entire western boundary of the parcel and the southern edge of the existing driveway that travels northeast from North Birch Creek Loop to the Zacha property.
10. To mitigate impacts on the local road system, the final plat shall show a non-ingress/egress zone along the Birch Creek Loop and North Birch Creek Loop frontages of the subdivision, excepting the Ravalli County Road and Bridge Department (RCRBD) approved approach for the internal subdivision road and the existing agricultural access off North Birch Creek Loop. The final plat shall also show a non-ingress/egress zone along the southern edge of the existing driveway in the northwest corner of the parcel. A notification of this limitation of access shall be included in the notifications document. (*Conditions 1 and 7*)
11. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (*Conditions 2 and 3*)
12. Bitterroot Disposal provides service to this site.

13. The Ravalli County Sheriff's Office provides law enforcement services to this area.
14. Public services are adequate to serve this subdivision.
15. A stop sign and road name sign are proposed at the intersection of the internal subdivision road, currently called Desperado Trail, and Birch Creek Loop. The stop sign and road name sign shall be installed prior to final plat approval. (*Condition 11*)
16. Submittal of a final grading and drainage plan approved by Montana Department of Environmental Quality (DEQ), a General Discharge Permit for Storm water Associated with Construction activity from DEQ (if required), an approved approach permit from the Ravalli County Road and Bridge Department for the internal subdivision road(s), an approved road name petition, and certification that the constructed road meets County standards are requirements of final plat approval.
17. The subdivider has received preliminary road name approval for the internal subdivision road, Desperado Trail. (*Application*) As a requirement of final plat approval (Section 3-4-4(a)), the subdivider shall submit a road name petition approved by the Ravalli County GIS Department for the internal subdivision road prior to final plat approval.
18. Installation of all infrastructure improvements is required to be completed prior to final plat approval, which includes construction of the roads and storm water drainage facilities for the interior road, and installation of the stop sign and road name sign.
19. Individual wells and wastewater treatment systems are proposed to serve the lots. (*Effects on Natural Environment*)
20. To mitigate impacts on local services and ensure public access, the easement for the internal subdivision road shall be labeled as a public road and utility easement on the final plat. (*Condition 10*)
21. The subdivider is proposing to construct one internal subdivision road to provide service to all the lots within the subdivision. The application packet states that the internal road is proposed to meet County standards and have an 18-foot-wide asphalt paved travel surface with two-foot shoulder widths within a 60-foot-wide public utility easement. The road plans have received preliminary approval by the Road Department. An engineer's certification that the roads meet County standards and final plans approved by the Road Department is a requirement of final plat approval. (*Application*)
22. A preliminary road maintenance agreement was included in the application packet. The final plat application packet is required to include a road maintenance agreement that meets the requirements of the Ravalli County Subdivision Regulations. A notification of the road maintenance agreement shall be included in the notifications document filed with the final plat. (*Condition 1*)
23. According to COS 580433, Birch Creek Loop is currently within a 50-foot-wide easement. To mitigate impacts on local services, the subdivider shall provide for an additional five feet of public road and utility easement along the Birch Creek Loop frontage of the subdivision. (*Condition 12*)
24. According to AP 547149, North Birch Creek Road is currently within a 50-foot-wide easement. To mitigate impacts on local services, the subdivider shall provide for an additional five feet of public road and utility easement along the North Birch Creek Road frontage of the subdivision. (*Condition 13*)
25. The subdivision is located within the Corvallis Rural Fire District. The Corvallis Rural Fire District has provided comments on previous subdivision proposals

indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements. The subdivider shall meet the water supply requirements for the Corvallis Rural Fire District, which is a 1,000 gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the subdivider can contribute \$500 per lot and provide a letter from the Corvallis Rural Fire District that the contribution has been made prior to final plat approval. Conditions of approval will meet the recommendations of the Corvallis Rural Fire District. (*Exhibit A-3) (Conditions 2 and 5)*)

26. The parkland dedication required for this subdivision is 1.43 acres. The subdivider has proposed a common area of 1.70 acres. The Ravalli County Park Board has concurred with this proposal. The subdivider is proposing to have the property owner's association maintain the common area. (*Exhibit A-4 and Application*)
27. In an email dated April 27, 2007, Jean Ramer of the US Army Corps of Engineers stated that the Corps would not consider a cash-in-lieu of parklands option as appropriate because the wetland areas should be left undisturbed. The applicant has proposed a no-build/alteration zone on the wetlands. (*Exhibit A-5*)
28. In order to ensure the proper drainage of this subdivision and to mitigate impacts on local services, a notification of storm water drainage easements shall be included in the notifications document to be filed with the final plat. All existing and proposed drainage easements shall be labeled on the final plat as a requirement of final plat approval (*Conditions 1 and 8*)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

1. According to the Ravalli County Subdivision Noxious Weed Evaluation Form approved by the Weed District, Category 1 weeds, including Canada Thistle and Houndstongue, are present on the property. (*Application*)
2. An approved noxious weed and vegetation control plan is required to be filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (*Condition 2*)
3. **To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (*Condition 2*)**

4. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (*Exhibit A-6*)
5. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision. A Certificate of Subdivision Plat Approval from Montana Department of Environmental Quality (DEQ) is required to be submitted with the final plat.
6. The preliminary plat shows potential wetlands/natural drainage on the property traveling south from the northwest corner of the proposal. It also depicts an area of slopes greater than 25 percent.
7. Jean Ramer with the US Army Corps of Engineers stated in an email sent April 27, 2007, that it is preferable for wetlands within the subdivision to be left undisturbed. She noted that her regulations require wetland areas to be avoided, if at all possible. (*Exhibit A-5*)
8. To mitigate impacts on the natural environment, the areas with wetlands and slopes greater than 25 percent shall be identified as a no-build/alteration zone on the final plat, as shown on the preliminary plat. A notification of the no-build/alteration zones shall be included in the notifications document. The protective covenants shall include Riparian Buffer Zone provisions restricting development in the no-build/alteration zone as suggested by Montana Fish, Wildlife & Parks. (*Conditions 1, 2, and 14*)

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. The property is located in the foothills of the Sapphire Mountains and is in the proximity of Birch Creek. It is approximately 5 miles northeast of Corvallis and adjacent to parcels ranging from approximately two acres to parcels larger than 40 acres in size.
2. A letter from Montana Fish, Wildlife, and Parks (FWP) noted that topography in this area is favored by wildlife for habitat and movement corridors. FWP recommends that Living with Wildlife provisions be included with the covenants for this subdivision. To protect the wetlands area in the northeast corner of the proposal, it also recommends that Riparian Use Guidelines be included with the covenants for proposed Lot 5 and the common area. (*Exhibit A-1*) (*Condition 2*)
3. The property is not located within big-game winter range, as identified by Montana Fish, Wildlife, and Parks.
4. According to the Montana Natural Heritage Program, the Bobolink and Townsend's Big-Eared Bat are located in the same section as the proposal. Due to lack of suitable habitat for these species, the subdivider requested and received a waiver from the requirement to submit a sensitive species report. (*Application*)
5. According to the application, the wetlands located in the northwest corner of the property are a nesting place for waterfowl.
6. To mitigate impacts on the waterfowl, the subdivider has proposed a no-build/alteration zone around the wetlands delineated on the preliminary plat. As a

requirement of final plat approval, the wetlands will be labeled as a no-build/alteration zone on the final plat and a notification of the no-build/alteration zone will be included in the notifications documents filed with the final plat. (*Conditions 1 and 14*)

7. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (*Condition 2*)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

1. To mitigate impacts on Public Health & Safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 4*)
2. The proposed subdivision is located within the Corvallis Rural Fire District. Conditions 2 and 5 address impacts to the District.
3. **To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (*Condition 2*)**
4. **There is a prevalence of radon in the County and to mitigate impacts on Public Health & Safety, the covenants shall include a statement regarding radon exposure. (*Condition 2*)**
5. To mitigate impacts on local services and Public Health & Safety, stop signs and road name signs shall be installed at the intersection of the internal road and Birch Creek Loop prior to final plat approval. (*Condition 11*)
6. The Ravalli County Sheriff's Office provides services to this subdivision.
7. Individual wells and wastewater treatment systems are proposed for lots within this subdivision. (*Natural Environment*)
8. The preliminary plat shows that Lot 5 has steep slopes (greater than 25%), which are required to be identified as no build/alteration zones on the final plat. In order to mitigate impacts on Public Health & Safety, notification of the no-build/alteration zone shall be included in the notifications document and the no-build/alteration zone shall be placed on the final plat. (*Conditions 1 and 14*)
9. The subdivider has proposed an eight-foot pedestrian pathway with a four-foot gravel surface pathway along the western border of the proposed internal subdivision road. This allows for pedestrian and bike travel on a surface other than the main road used for vehicular traffic.
10. The Ravalli County Park Board concurred with the subdivider's proposal to create a common area of 1.70 acres for the benefit of the subdivision residents. A 20-foot easement for a common area pathway is proposed by the subdivider to provide access to the residents for recreational opportunities.

(Exhibit A-4)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements, or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The subdivider has submitted a plan that complies with the requirements of local subdivision regulations, or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, or a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. There are no existing covenants on the property.
2. This property is not located within a voluntary zoning district.
3. Minimum lot size is 2.00 acres. The proposal complies with the interim County-wide zoning regulations.

Conclusion of Law:

The property appears to comply with existing covenants and zoning.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The preliminary plat indicates that existing utility easements are located along Birch Creek Loop and North Birch Creek Loop. Utility easements are proposed along the internal subdivision road.
2. According to the application, the proposed subdivision will be served by NorthWestern Energy, Ravalli Electric Cooperative and Qwest Communications. Utility companies have been notified of the proposed subdivision. No comments have been received to date.
3. Utility certificates are a requirement of final plat approval.
4. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Findings of Fact:

1. Physical and legal access for this subdivision is proposed via Bailey Lane, Birch Creek Loop, and the internal road. (*Local Services*)
2. Both Bailey Lane and Birch Creek Loop are listed in Exhibit A of the Ravalli County Subdivision Regulations.
3. This applicant is proposing to improve the internal road to meet County standards. Requirements of final plat approval are that the road meets County standards and a road maintenance agreement that meets the required provisions.

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

Jen also presented a request from residents for the power lines to be underground. Developer Jeff Peters stated this subdivision is 32 acres with lots that are two to four acres. The average size lot is three acres. He also noted before the interim zoning went into effect (the "one for two"); this development was proposed to be a ranch type development. Jeff stated covenants will allow one horse per acre. He further stated he has either met or exceeded all the requirements and laws.

Roz Darby owns the lot south of Lot 13A. Roz stated this subdivision is currently under a lawsuit that has not been settled. She stated that if the lots are sold they have to disclose the pending lawsuit.

Dave Marquette, Attorney for LVI Development (Jeff Peters) stated when the property was purchased it had a clean title, and the issue of the clouded title should not involve LVI Development and this proposed subdivision.

Engineer John Kellogg of PCI stated Jeff has gone out of his way to respond to all of the requests. When the Park Board met on the site, Jeff extended the proposed park area.

John "Mac" McQuade questioned if the road is going to be paved. Commissioner Thompson stated pro rata will be paid as calculated by the Road Department. He noted Bailey Lane is paved but Birch Creek Loop will not be paved.

Roz Darby stated that she would like to add that it is documented that the former owner, Russ Zacha had given Jeff Peters the first right of refusal on this property.

Russ Zacha stated he was the first owner and did not give Jeff Peters the first right of refusal as Roz Darby just stated. Russ stated that prior to the purchase of this land Jeff Peters knew nothing of any title issues.

Jeff Peters stated Roz is trying to pressure him. In regard to the subdivision; he did add a 10 foot easement. He will have a contract with a maintenance company to take care of the road and include a walkway. He further stated that he has a clean title.

Russ stated Roz had a contract for deed and is in default. He refuses to cash any checks.

Commissioner Thompson stated the Board will focus on the subdivision rather than the legal matters concerning the land ownership, as the plat can not be filed with any ownership issues.

Roz stated the right of refusal was not given to her regarding this subdivision.

Commissioner Thompson asked for any further public comment, hearing none. Commissioner Thompson closed public comment.

Board deliberation then took place.

Commissioner Rokosch asked if there were any conditions. Jen replied the notification of future property owners and covenants is required. She also addressed the guidelines needed for the riparian areas and made a review of the conditions recommended by Planning.

Commissioner Rokosch questioned how the school district is planning to access bus routes. Jeff replied there has been no discussion but the school district had been notified. Jen indicated they had been sent a standard letter requesting comment on this proposal

Commissioner Rokosch stated in the buffer zone suggested by Fish, Wildlife and Parks, does not include any footage requirements. Jeff replied they outlined the area and he included the area in the wetlands. Fish, Wildlife and Parks concurred with it.

Commissioner Driscoll asked John "Mac" McQuade about his thoughts on the roads. Mack replied he was in real estate for quite awhile. He was under the impression that when a subdivision was created; the roads would be paved. John Kellogg replied the requirement to pave back to the nearest road is for proposals over 20 lots.

Commissioner Driscoll asked what the pro rata share would be. Jeff replied it is a \$99,000 estimated pro rata share, and it would be in the subdivision's best interest to pave that area.

Commissioner Driscoll questioned what the cost would be to pave the road. Jeff replied he does not have an exact figure at the moment. Renee stated Dave Ohnstad's estimate is \$82,000; with \$20,000 for Birch Creek alone.

Mac stated that he is not trying to 'throw a wrench' in the works.

Commissioner Thompson stated there have been detailed discussions about the pro rata shares. The money is used to fix potholes, snow removal and paving. There have been people who don't like the use of pro rata money by grader districts and people who do like it. In other circumstances, there is enough money to pave the road.

Commissioner Grandstaff asked Jeff if he is willing to increase the school contributions to Corvallis School District. Jeff replied yes.

Commissioner Driscoll asked how many grader districts exist. Commissioner Thompson replied there are several districts and they fluctuate.

Commissioner Rokosch stated there are questions about management actions regarding vegetation and park land. Jeff pointed out on the map the no build zone to the Board stating there will be a 10 foot wide path.

Commissioner Driscoll stated she understands Jeff's proposal is separate from the pending litigation but asked Jeff to explain this issue. Jeff indicated he has a clear title

and there are no pending issues. Commissioner Driscoll stated she is uneasy with this litigation.

Attorney John Marquette stated from a legal stand point, when LVI brought the property, it had a clear title. The issue is of the 'first right of refusal and if it was breached or not'. There is no legal basis to seek title to the property. He noted Roz has sued LVI. This is a monetary issue and any cause of action will be limited to the damages between Roz and Russ. Alex Beal stated he concurred, but he also noted he does not have all the facts on this case. Alex recommended the Board make their decision based on the facts presented today. Commissioner Driscoll asked if she has the right to ask that question. Alex replied yes, but the Board needs to avoid the 'speculation business'.

Commissioner Thompson called for any other questions.

Commissioner Driscoll stated that she has to think about all this.

Commissioner Thompson stated that there is one change that he would ask staff to make regarding the 1.5 students per lot. He asked the Planning Staff to make that number consistent throughout the staff report.

Commissioner Thompson called for any further questions, hearing none. He stated he would entertain a motion at this time.

Commissioner Rokosch stated the three newly elected Commissioners have not had enough time to adequately review this subdivision. He made a suggestion to continue this hearing in order for the Board to review the material. He then questioned what the appropriate time would be. Commissioner Grandstaff stated that she is in agreement and is not comfortable making a decision at this time. Commissioner Driscoll stated that she has a pretty good background in real estate and agrees that she does not feel comfortable making a decision at this time. Commissioner Rokosch asked if two weeks be sufficient time for their review. Commissioners Driscoll and Grandstaff agreed and Jeff concurred with that request.

Commissioner Thompson asked Planning if the timeline would allow the requested two weeks. Jen replied that the deadline is August 20th. Alex Beal stated that there is no legal implication if the Board wishes to extend past the deadline. Karen requested the Board set a time and a date certain in order to avoid another publication.

John Kellogg inquired if they should provide any more information. Commissioner Grandstaff replied no, time is what the Board needs to make a decision.

Dave Marquette asked if public comment would be re-opened or would the Board make their decision at that time. Commissioner Driscoll stated that upon reviewing the material presented, she will have additional questions and asked Alex how it should be handled. Alex replied they may question public comment made today.

Commissioner Rokosch stated they should continuing this meeting 'at the point where the meeting' is presently.

Public comment is then closed. Commissioner Driscoll inquired if she can ask questions if they are not directed to the public.

Commissioner Thompson called for a motion at this time. Karen suggested the Board review the statutes in regards to postponing the decision.

Commissioner Rokosch made a motion to continue this Request for Commission Action on Mountain View Orchards Block 2, Lot 16A) to July 3rd at 10:00 a.m.

"Mac" stated 'Jeff has been through this thing for 2 years, and just because there are new Commissioners, he doesn't think Jeff should be made to wait again'. Commissioner Rokosch replied it is the Board's responsibility to thoroughly review the material before making any decisions and he believes that two weeks would be ample time.

Roz stated she would like to see the subdivision reviewed again and have her attorney submit a letter stating their position relative to this point. Alex replied that Roz can have her attorney direct a letter to him.

Commissioner Thompson stated he would add that he has reviewed numerous subdivisions. Some subdivisions barely meet the minimum requirements; however this subdivision has gone above and beyond what has been asked. He understands the county has new Commissioners and they want to take more time to review this request. He requested the new Commissioners to please familiarize themselves with this process so they do not have to extend other subdivisions. Commissioner Driscoll stated she appreciates the fact that Jeff has 'done the extra' and will take that into consideration when making her decision.

Commissioner Grandstaff seconded the motion. Commissioner Rokosch, Commissioner Driscoll and Commissioner Grandstaff voted 'aye'. Commissioner Thompson voted 'nay'. Motion carried.

In other business the Board met for a Request for Commission Action regarding Hamilton Heights Block 14, Lots 14 & 15.

Commissioner Thompson called the meeting to order and requested the staff report. Vanessa Perry presented the staff report as follows:

**HAMILTON HEIGHTS BLOCK 14, LOTS 14 & 15, AP (COLE/FREY)
NINE-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Tristan Riddell

**REVIEWED AND
APPROVED BY:** Renee Van Hoven

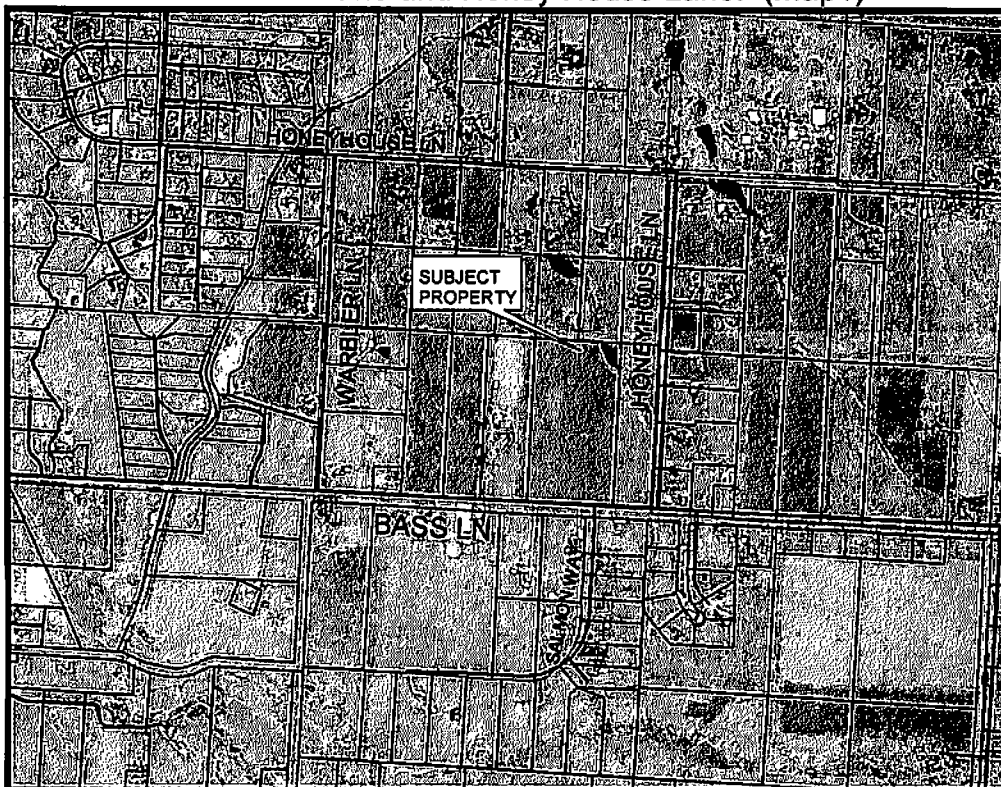
**PUBLIC HEARINGS,
MEETINGS AND
DEADLINES:**

BCC site visit: 11:00 a.m.
June 8, 2007
BCC public hearing: 10:00 a.m.
June 19, 2007
Deadline for BCC action (60 working days):
August 22, 2007

APPLICANT / OWNER: Brooks Cole & Terry Frey
670 Lone Willow Drive
Corvallis, MT 59828

REPRESENTATIVE: Chris Cobb-Taggart, Professional Consultants Inc.

LOCATION OF REQUEST: The property is located approximately 3 miles
southeast of Corvallis near the intersection of Bass
Lane and Honey House Lane. (Map1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Lots 14 and 15 of Block 14, Hamilton Heights Subdivision, located in the SW¼, Section 10, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on May 29, 2007. Agencies were notified of the subdivision and comments received from agencies not included in the application packet are Exhibits A-1 through A-6 of the staff report.

LEGAL NOTIFICATION:

A legal ad was published in the Ravalli Republic on June 4, 2007. Notice of the project was posted on the property and adjacent property owners were notified of the subdivision by certified mail postmarked May 29, 2007. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant
North	Large lot residential
South	Large lot residential
East	Large lot residential
West	Large lot residential

INTRODUCTION

The Hamilton Heights, Block 14, Lots 14 & 15, AP, nine-lot subdivision on 19.5 acres, is located southeast of Corvallis. The property is located within the Corvallis Rural Fire District and the Corvallis School District. There is a pond located in the northeast corner of the subject property. Both restrictive and no-build/alteration zones are proposed around the pond. The property has water rights through the Bitterroot Irrigation District, which are proposed to be divided between the nine lots.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 19, 2007

**HAMILTON HEIGHTS BLOCK 14, LOTS 14 & 15, AP (COLE/FREY)
NINE-LOT MAJOR SUBDIVISION**

RECOMMENDED MOTION

That the Hamilton Heights Block 14, Lots 14 & 15, AP (Cole/Frey) major subdivision *be approved*, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL

15. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

Notification of Irrigation Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities/diversion structures whenever necessary to keep them in good condition. The Bitterroot Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act which damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders and those acting with the approval of the Bitterroot Irrigation District have the right to use the easements to maintain the ditches. Please contact the Bitterroot Irrigation District, 1182 Lazy J Lane, Corvallis, Montana, 59828, 961-1182 for more information. *(Effects on Agricultural Water User Facilities)*

Notification of Utility Easements. There are utility easements for mixing zones located on Lots 3 and 7 to serve Lots 4 and 8. No structure shall be allowed to encroach into or set upon the utility easements. The utility easements shall remain unobstructed and accessible at all times. *(Effects on Local Services)*

Limitation of Access onto a County Road. A "no ingress/egress" restriction is located along the Bass Lane frontage of the subdivision, which precludes vehicular access onto this County-maintained road, excepting the approved approach for the internal subdivision road. This limitation of access may be lifted or amended with approval of the County. *(Effects on Local Services & Public Health and Safety)*

Notification of Road Maintenance Agreement. The internal subdivision road(s) are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for the road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivide shall include the exhibits as attachments]. *(Effects on Public Health and Safety)*

Notification of Restricted Zone. Within this subdivision there is a restricted zone located on Lot 1, as shown on the plat, to restrict building in areas within 25 feet of the pond. No new permanent building or structure may be constructed in this area. Roads, trails, and utility crossings through this area are permitted. *(Effects on Natural Environment & Public Health and Safety)*

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone located on Lots 1 and 6, as shown on the plat, to restrict building in areas with wetlands and steep slopes. No new building or structure may be constructed in this area. No new utilities, with the exception of wells, may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. *(Effects on Natural Environment & Public Health and Safety)*

16. Protective covenants to be filed with the final plat shall include the following provisions:

Living with Wildlife. (See Exhibit A-1 for required provisions.) *(Effects on Agriculture, Effects on Wildlife & Wildlife Habitat)*

Access Requirements for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", maximum grade of 6%, and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the Uniform Fire Code. Please contact the Corvallis Rural Fire District at PO Box 13, Corvallis, MT, for further information on the requirements of the Corvallis Rural Fire District

and/or the Uniform Fire Code. *(Effects on Local Services & Effects on Public Health and Safety)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post County-issued addresses at the intersection of the driveways leading to the residences and the roads providing access as soon as construction on the residences begins. *(Effects on Local Services & Effects on Public Health and Safety)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. *(Effects on Natural Environment, Wildlife and Wildlife Habitat, & Public Health and Safety)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health and Safety)*

Amendment. The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

17. The subdividers shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized

transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*

18. The applicants shall provide evidence that a \$250 per lot financial contribution has been made to the Corvallis School District prior to final plat approval. *(Effects on Local Services)*
19. The applicants shall provide a letter from the Corvallis Rural Fire District stating that they have provided the required 1,000 gallons per minute water supply or 2,500 gallons per minute water storage for fire protection for each lot within this subdivision. Alternatively, the applicant may provide evidence that a \$500 contribution per lot was made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services & Effects on Public Health and Safety)*
20. The applicants shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision, in accordance with E-911 addressing policy. *(Effects on Local Services & Effects on Public Health and Safety)*
21. All existing and proposed irrigation easements shall be shown on the final plat as shown on the preliminary plat. *(Effects on Agricultural Water User Facilities)*
22. The applicants shall provide for an additional five feet of public road and utility easement along the Bass Lane frontage of the subdivision on the final plat. *(Effects on Local Services)*
23. The final plat shall show a no ingress/egress zone along the Bass Lane frontage of the subdivision, excepting the approach for the internal road approved by the County Road Department. *(Effects on Local Services & Public Health and Safety)*
24. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. *(Effects on Local Services & Public Health and Safety)*
25. A stop sign and road name sign shall be installed at the intersection of the internal road and Bass Lane prior to final plat approval. *(Effects on Local Services & Effects on Public Health and Safety)*
26. A no-build/alteration zone shall be shown on the final plat to encompass all slopes greater than 25% and any potential wetlands associated with the northern portion of the pond. *(Effects on the Natural Environment & Public Health and Safety)*
27. The final plat shall show a 25-foot restricted zone extending horizontally from the banks of the pond, as shown on the preliminary plat. *(Effects on the Natural Environment & Public Health and Safety)*
28. The mixing zone easements for Lots 4 and 8, as shown on the preliminary plat, shall be shown on the final plat. *(Effects on Local Services)*

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 19.5 acres will result in 9 lots that range in size from 2.00 to 3.45 acres.
2. The property is located approximately 3.0 miles southeast of Corvallis in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (*Conditions 1 & 2 – in Living with Wildlife section*)
3. There are no Prime Farmland Soils or Soils of Statewide Importance associated with this property.

Conclusion of Law:

With the mitigating conditions, impacts on agriculture will be minimized.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. According to the application, the property has water rights distributed by the Bitterroot Irrigation District. The approximately eighteen acres currently under irrigation are proposed to be divided among the lots.
2. Based on recent discussions with DNRC-Water Resources and the Bitterroot Irrigation District, it is understood that irrigation water rights are held by Bitterroot Irrigation District, not by the property. Consequently, a master irrigation plan is not required for this subdivision.
3. As a requirement of final plat approval, Section 3-1-5 (xxxiii) of the Ravalli County Subdivision Regulations requires the approval of the irrigation district when irrigation ditches/pipelines are to be altered.
4. A letter from the Bitterroot Irrigation District, dated March 15, 2007, states their approval of the re-allocation of water rights. (*Application*)
5. The preliminary plat shows a 5-foot wide proposed irrigation easement traversing Lots 1 through 9. There is also an existing 15-foot wide easement located on Lot 1. As a requirement of final plat approval, the Ravalli County Subdivision Regulations require that all easements/rights-of-way located on the property be shown on the final plat. To notify future property owners of the irrigation rights associated with this property and the role of the Irrigation District and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation facilities and easements shall be filed with the final plat. (*Conditions 1 and 7*)
6. Installation of irrigation infrastructure is required to be completed prior to final plat approval.

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts to agricultural water user facilities will be minimized.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

9. The pro rata share for substandard County-maintained road(s) that provide access to this subdivision from Eastside Highway shall be paid by the applicant prior to final plat approval, as required by Section 5-4-5 (d) of the Subdivision Regulations.
10. There are nine proposed single family residential lots within this subdivision. It is estimated at build-out that this subdivision will generate a total of 72 vehicular trips per day, assuming 8 trips per day per single-family dwelling.
11. Submittal of a final grading and drainage plan approved by Montana Department of Environmental Quality (DEQ), a General Discharge Permit for Storm water Associated with Construction activity from DEQ (if required), an approved approach permit from the Ravalli County Road and Bridge Department for the internal subdivision road(s), an approved road name petition, and certification that the constructed road meets County standards are requirements of final plat approval.
12. The Ravalli County Road and Bridge Department gave preliminary approval of the road and grading and drainage plans on March 29, 2007. (*Exhibit A-2*)
13. Bass Lane is a County-maintained road that provides direct access to the subdivision. The easement for Bass Lane along the subdivision frontage is 50 feet wide. To mitigate impacts on local services, the applicant shall provide for an additional 5 feet of public road and utility easement along the Bass Lane frontage. (*Condition 8*)
14. The applicant is proposing an internal subdivision road. To mitigate impacts on local services, the road shall be labeled as a "public road and utility easement" on the final plat. (*Condition 10*) An approach permit, as approved by the Road Department, is required to be submitted prior to final plat approval.
15. A preliminary road maintenance agreement was included in the application packet. The final plat application packet is required to include a road maintenance agreement that meets the requirements of the Ravalli County Subdivision Regulations. To mitigate impacts on local services, a notification of the road maintenance agreement shall be included in the notifications document filed with the final plat. (*Condition 1*)
16. To further mitigate impacts on local services, a stop sign and road name sign shall be installed at the intersection of the internal road and Bass Lane prior to final plat approval. (*Condition 11*)
17. The preliminary plat shows a no-ingress/egress strip located along the Bass Lane frontage of the subdivision, excepting the approach, as approved by the Road Department, for the internal road. To mitigate impacts of the subdivision on the public road system, this restriction shall be shown on the final plat and a notification of this access restriction shall be included in the Notifications Document filed with the final plat. (*Conditions 1 & 9*)
18. To mitigate impacts of the subdivision on local services, mixing zone easements for Lots 4 and 8 shall be shown on the final plat, as shown on the preliminary plat, and a notification of these easements shall be included in the Notifications Document filed with the final plat. (*Condition 1 and 14*)
19. Individual water and wastewater treatment systems are proposed to serve the lots (*Effects on Natural Environment*).
20. To mitigate potential impacts of this subdivision on any possible future public water, public sewer system, or the road system, the RSID/SID waiver filed with the final plat shall address these systems. (*Condition 3*)

21. Bitterroot Disposal provides disposal service to this area.
22. With this subdivision, it is estimated that approximately 4.5 school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per single family residence (Source: Census 2000).
23. The applicant is proposing a \$250 contribution to the Corvallis School District. In a letter dated January 30, 2007, the School District stated that the additional impacts of the subdivision could be handled (*Exhibit A-6*). To mitigate impacts of the proposal on the School District, the applicants shall contribute \$250 per lot to the Corvallis School District prior to final plat approval. (*Condition 4*)
24. The subdivision is located within the Corvallis Rural Fire District, which has provided general comments on subdivision proposals, indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements. Conditions of approval will meet the recommendations of the Corvallis Rural Fire District. (*Conditions 2, 5, and 6*)
25. The subdividers are proposing cash-in-lieu of parkland dedication. Section 6-1-7 of the Ravalli County Subdivision Regulations requires the subdivider to hire a real estate appraiser legally qualified to appraise undeveloped land to determine the fair market value of land prior to final plat approval. In a letter received March 2, 2007, the Ravalli County Park Board concurs with the subdivider's proposal for cash-in-lieu of parkland dedication. (*Exhibit A-4*)
26. The Ravalli County Sheriff's Office provides law enforcement services to this area.
27. Public Services are adequate for this subdivision.

Conclusion of Law:

With the mitigating conditions and requirements of approval, impacts on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

8. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur (*Exhibit A-3*). A Certificate of Subdivision Approval from the Montana Department of Environmental Quality is a requirement of final plat approval.
9. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (*Condition 2*)
10. The preliminary plat shows potential wetlands and steep slopes on the property associated with the pond located in the northeastern corner. This area shall be identified as a no-build/alteration zone and there shall be a 25-foot restricted zone extending horizontally from the banks of the pond, as shown on the preliminary plat, on the final plat. In order to mitigate impacts on the natural environment, notification of the no-build/alteration zone and restricted zone shall be included in the notifications document and the no-build/alteration zone and restricted zone placed on the final plat. (*Conditions 1, 12 and 13*)

11. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a renegotiation plan, such as road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (*Condition 2*)

Conclusion of Law:

With the mitigating conditions and the requirements for final plat approval, impacts from this subdivision on the natural environment will be minimized.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The FWP comment letter recommends including Living with Wildlife provisions in the covenants for this subdivision. (*Exhibit A-1 & Condition 2*)
2. The property is not located within the FWP-identified big game winter range and the sensitive species report was waived for the Olive-sided Flycatcher, Townsend's Big-eared Bat and Fringed Myotis by the Planning Director on February 27, 2007. (*Exhibit A-5*)
3. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (*Condition 2*)

Conclusion of Law:

With the condition of approval, impacts of the proposed subdivision on wildlife will be mitigated.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The proposed subdivision is located within the Corvallis Rural Fire District and with Conditions 2, 5, and 6, impacts to the District will have been addressed.
2. Individual wells and wastewater treatment systems are proposed for lots within this subdivision. (*Natural Environment*)
3. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (*Conditions 2 & 6*)
4. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting with the exception of flag poles. (*Condition 2*)

5. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. *(Condition 2)*
6. To mitigate impacts on local services and public health and safety, a stop sign and road name sign shall be installed at the intersection of the internal road prior to final plat approval. *(Condition 11)*
7. The Ravalli County Sheriff's Office provides services to this subdivision.
8. With the conditions and requirements of final plat approval, access to the subdivision will be adequate for public health & safety. *(Effects on Local Services and Conditions 1, 2, 9, and 10)*
9. The preliminary plat and soils map indicate that the subdivision may have soils rated as "very limited" for road and building construction. To educate property owners and to mitigate potential impacts of this subdivision on public health & safety, a notification of the potential for severe soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as "very limited" for roads and building construction and descriptions of the severe soils in question shall be attached to the notifications document as an exhibit. *(Condition 1)*
10. The preliminary plat shows potential wetlands and steep slopes on the property associated with the pond located in the northeastern corner. This area shall be identified as a no-build/alteration zone and there shall be a 25-foot restricted zone extending horizontally from the ponds banks on the final plat. In order to mitigate impacts on the natural environment, notification of the no-build/alteration zone and restricted zone shall be included in the notifications document and the no-build/alteration zone and restricted zone placed on the final plat. *(Conditions 1, 12 and 13)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address impacts of this subdivision on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

3. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
4. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

4. There are existing covenants on the property. (*Application*) The proposal appears to be consistent with existing covenants.
5. This property is not located within a zoning district.
6. Interim County-wide zoning applies to this subdivision. The minimum lot size is 2.00 acres.

Conclusion of Law:

This proposal appears to comply with County-wide interim zoning limiting densities of residential subdivisions to one house per two acres and existing covenants.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along Bass Lane.
2. According to the application, the proposed subdivision will be served by Quest

Communications, Ravalli Electric Co-Op and Northwestern Energy. Utility Certificates are a requirement of final plat approval.

Conclusion of Law:

Utility services will be available to this subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Findings of Fact:

1. Bass Lane, a County-maintained road (Exhibit A of the Subdivision Regulations), serves the proposed subdivision. Bass Lane intersects with Eastside Highway (County standard roadway).
2. All lots will access from an internal subdivision road which shall be labeled as a "public road and utility easement" on the final plat. (Condition 10)
3. The Subdivision Regulations require that the internal subdivision road is improved to meet County standards and a road maintenance agreement is in place.

Conclusion of Law:

With the conditions of approval and the requirements of final plat approval, the proposal meets physical and legal access requirements.

Engineer John Kellogg of PCI, stated he is representing Brooks Cole & Terry Frey. The subdivision consists of lots with an average of two acres. There is an 18 foot wide paved road which will include a 'turn around'. This will include a 60 foot wide utilities access within the central easement allowing access to all of the lots. John also noted the southeast easement will provide irrigation water. The road entrance will be approved by the Road and Bridge Department. John stated Brooks has indicated he would like to flatten out the bank so there is clear visibility and also install a 42 inch high fence if the Board concurs. John then made a review of the Planning Staff report.

In regard to the recommendation of separate well and septic on individual lot; he noted the Sanitarians and DEQ have concurred with that. The road will be graded properly and there will be no contamination of soils in the irrigation water. The wet area around the pond has been designated as a no build area. The developer would like to have a dock in the pond. John addressed the wildlife around the pond. He stated it is a 'broad brushed designation' and the information received from the State indicates that the species are not found in the area. He stated the Developer will give \$500 per lot for payment to the rural fire district. The State fire code requires adequate water supply or \$500 donation per lot for water storage. John stated that as far as conditions of approval, the Developers are in agreement with Planning. John also noted the donation to the school district is prior to final plat approval.

Commissioner Thompson called for public comment.

Developer and Owner Brooks Cole indicated the Planning Staff and PCI have done their homework. PCI redesigned the lots according to the interim zoning requirement of '1 per 2'.

John Horat stated typically, the school bus drivers do not want to use the turnaround and that is the issue with the subdivisions. They want to stop on a main road in order to halt both lanes of traffic for safety.

Shawn Twardoski stated he sees no problems what so ever.

Commissioner Thompson called for any further public comment. Hearing none, Commissioner Thompson closed public comment.

Board deliberation then took place.

Commissioner Grandstaff stated for the public record, Developer Terry Frey is a personal friend. Commissioner Driscoll noted he is also her personal friend.

Commissioner Thompson asked Brooks if he wanted to cut the slopes on the pond and if the walkway and dock were part of subdivision proposal. Brooks replied he would like to cut the slopes on the pond and no, the walkway and dock were not part of the proposal. He wanted to make the pond pleasing to the eye and safe for children.

Commissioner Thompson questioned if a proposed fence on the west side of pond could be pulled back a bit. Brooks replied yes and when the pond is empty, you can see how steep it is. He stated they are trying to make it pleasing to the eye and safe. Renee stated it is important to make sure everyone is clear on this issue as the staff report and conditions require a 25 foot zone around the pond.

Commissioner Thompson stated in the interest of Public Health and Safety, small children should be addressed. Brooks replied they are going to grade back the slope of the pond so that it is not a hazard.

Commissioner Rokosch stated as he is reviewing the agency comments and it has raised a couple of points not addressed. Specifically, the water rights to the pond.

Commissioner Thompson stated they have already discussed the permitting of the pond, and this subdivision does not pull any water from the pond. Brooks concurred with Commissioner Thompson and stated that is correct. John Kellogg added it is waste water.

Commissioner Rokosch questioned covenants in the area. Brooks replied they do have covenants in regard to the upkeep of the yards but none regarding the pond. Commissioner Rokosch stated he is 'feeling pretty much in the same boat' as the last subdivision proposal, as he has not had time to make a proper review of these issues.

John stated the pond had been created more for irrigation than recreation. They are 'winging it' as to how long it has been in existence. He agrees they have an issue of safety with small children and vegetation along the banks. And within the definition of a protection zone; includes the weeds and protection of species.

Commissioner Rokosch asked about the pump house. Brooks replied it is inactive.

Commissioner Rokosch stated this is an artificial pond and it can be made safe. He noted the recommendations of the other agencies, particularly the comments about vegetation, herbicide use and wetland environment. Brooks replied they are open to the recommendations from those agencies. John stated that they can not recommend the use of herbicides in the area.

Commissioner Driscoll stated interaction of agricultural operations exist along the road. Karen replied David Ohnstad reviewed the agricultural operations when the road was classified. John stated the packet includes the current condition of Bass Lane.

Commissioner Grandstaff stated the Weed Supervisor needs to sign in order to spray. Commissioner Grandstaff also asked if they only treat the weeds once, and the language seemed boiler plate to her. John replied when there is disturbance to the soil due to the construction, the weed control becomes an issue. Commissioner Thompson indicated the weed plan needs to be in place prior to the construction start up. Renee stated this is a preliminary plat. The final plat requires a weed plan approved by the Weed Board. John added the weed plan is a 5-year plan, and it is signed by the Weed Supervisor and the Developer.

Commissioner Grandstaff asked if there had been any input from the Sheriff. John replied in the past they have received a 'boiler plate' letter from the Sheriff.

Commissioner Rokosch asked if the contribution to the Corvallis School District and copies of the impact fee study would be discussed today. Brooks replied they would be willing to give \$500 per lot for the school contribution. Karen stated the issue of impact fee had surfaced at the last meeting; and to remember the impact fees section of the law are two different things. For example, impact fees are required to go through a process, whereby they look at the impact to the schools, but they cannot include operating expenditures. She added the fees can not be based on the need for capital improvements. Commissioner Rokosch stated they really do not have a fee; it is voluntary.

Commissioner Driscoll stated she is looking into the future of affordable housing and impact fees. Those issues are important to her.

Commissioner Grandstaff made a motion to continue this meeting until July 3rd at 10:00 a.m. for decision.

Brooks stated he has waited over a year for a decision. He has had everything ready to go and then Planning stopped accepting applications because of the interim zoning "1 for 2".

Commissioner Rokosch seconded the motion.

Commissioner Thompson called for any further Board deliberation or questions.

Commissioner Rokosch advised Brooks he appreciates his position but the Board is acting in the public's best interest to thoroughly review this subdivision.

Commissioner Grandstaff apologized to Brooks, further noting in regard to the public interest, she doesn't feel that she has had enough information to make an educated decision at this time.

Commissioner Driscoll stated if anyone would like to speak again, she is willing to listen to anything that has to be said. Brooks stated they had higher expectations of the Board.

Commissioner Thompson advised the Developer he feels this is a well designed proposal, and for the record, he sees no reason to delay the decision. He further added he sees no reason not to approve it.

Commissioner Rokosch, Commissioner Driscoll and Commissioner Grandstaff voted "aye". Commissioner Thompson voted 'nay'. Motion carried to continue the meeting until July 3, 2007 at 10:00 a.m.

SIGN IN SHEET - COMMISSIONERS MEETING

PLEASE PRINT YOUR NAME LEGIBLY

DATE: 6/1/19

MEETING: Mountain View Orchards Block 2 Lot 16 A &
Hamilton Heights, Block 14 Lots 14 & 15

Teresa Peters

John C. [Signature]

JEFF PETERS

Dan T. Mittle

Russell J. Zarka

Dave Peters

Judy Peters

Les Darby

SHAWN TWARDOSKI

Darryl Osburn

Aaron Grossman

MIKE Burlingham

Jim Knapp